



Department of Planning & Community Development

@ Jefferson Station

1526 E. Forrest Avenue Suite 100 East Point, GA 30344

404.270.7029 (Phone)

404.209.5148 (Fax)

www.eastpointcity.org

PROCEDURES AND INFORMATION FOR FILING A VARIANCE

Applications are available at the Department of Planning and Community Development, 1526 E. Forrest Ave, Suite 100, East Point, GA 30344. Phone: (404) 270.7029 or at www.eastpointcity.org. **Read the following instructions prior to filing and refer to the filing schedule enclosed. Applications with original signature must be filed in person. A PRE-APPLICATION APPOINTMENT IS REQUIRED PRIOR TO FILING.**

TYPE OF VARIANCES

Please identify the variance requested by checking the appropriate box in Section I, Section II or Section III of the VARIANCE APPLICATION.

VARIANCES THAT DO NOT REQUIRE A PUBLIC HEARING:

Chapter 2, Zoning Code and Development Regulations, Article I - Section 2185 and 2186

A. ADMINISTRATIVE: These types of variances are handled administratively by the Department of Planning and Community Development.

- 1. ADMINISTRATIVE MINOR VARIANCES:** Administrative relief up to one (1') foot from any minimum yard requirement.
- 2. MINOR VARIANCE:** Relief from the minimum yard setback requirements not to exceed 10% of such requirement.

VARIANCES THAT REQUIRE A PUBLIC HEARING

B. PLANNING AND ZONING COMMISSION: The following variances require a public hearing and action by the Planning and Zoning Commission.

- 1. PRIMARY VARIANCE:** Applicant seeks relief from the provisions of the Zoning Code and Development Regulations. All such appeals shall be heard by the Planning and Zoning Commission and shall be accompanied with a statement of hardship (See enclosed Variance Considerations).
- 2. SECONDARY VARIANCE/INTERPRETATION:** Applicant seeks to appeal a decision of the Department of Planning and Community Development or seeks to appeal a decision on an MINOR/ADMINISTRATIVE MINOR VARIANCE.
- 3. STREAM BUFFER VARIANCE:** Applicant seeks relief from the stream buffer and setback requirements. Requirements are enumerated in Chapter 12, Stream Buffer Protection, **and Section 10-12022 VARIANCE PROCEDURES.**

HARDSHIPS

ALL REQUESTS FOR VARIANCES SHALL HAVE A STATEMENT OF HARDSHIP. The following considerations shall be used in justifying the hardship.

Chapter 10, Zoning Code and Development Regulations, Article I – Appeals, Sec 10-2184

VARIANCE CONSIDERATIONS: Variances from the provisions or requirements of the Ordinance shall be authorized **only upon making all** of the following findings:

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Ordinance would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;
 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located;
 3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance. No variance may be granted for a use of land or building or structure that is prohibited by this Ordinance. No variance may be granted that would conflict with or alter a stipulation or condition imposed by the Planning and Zoning Commission or City Council. No variance shall be granted to extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the City Council.
 4. No variance shall be granted by the Planning and Zoning Commission that permits the expansion or enlargement of any nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit;
 5. No variance shall permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant the requirements and limitations of 10-2017;
- or
6. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

Should a variance request impact approved zoning conditions, a separate Modification Appeal may be necessary.

APPLICATION REQUIREMENTS

ALL APPLICATION SUBMITTALS MUST BE DONE IN PERSON AT 1526 E. FORREST AVEVNUUE BETWEEN 8:00 A.M. AND 3:00 P.M. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. PLEASE REFER TO THE INFORMATION BELOW AND THE ENCLOSED CHECK SHEET FOR DOCUMENTS NEEDED FOR FILING.

- A. VARIANCE REVIEW FORM:** A Variance Review Form shall be completed in a PRE-APPLICATION REVIEW MEETING with a Planner. The completion of this form is required as a part of your application packet. You must provide the reviewing Planner with a detailed site plan and/or sign details so an accurate assessment of the request and appropriate Zoning Ordinance standards can be appealed. **Contact Staff at 404.270.7029 to make an appointment for a variance pre-application review meeting.**
- B. VARIANCE QUESTIONNAIRE:** A Variance Questionnaire shall be completed by the applicant in preparation for filing a variance application. The questionnaire is designed to establish facts and background information pertaining to the subject variance request.
- C. APPLICATION FORM:** Variance applications must have an original NOTARIZED SIGNATURE of the property owner(s) of record or a notarized statement by the appellant acting as power of attorney for the property owner. Where there are multiple owners, a notarized signature of each and all owners must be submitted with the application. **A VARIANCE REQUEST DENIED BY THE PLANNING AND ZONING COMMISSION CANNOT be resubmitted for a period of six (6) months from the date of the DENIAL.**
- D. LEGAL DESCRIPTION/SURVEY:** A legal description or survey of the subject property must be submitted with the Variance Application. Legal Descriptions or surveys must establish a point of beginning and from said point of beginning, give each dimension bounding property, calling the directions (such as north, northeasterly, etc.) and returning to the point of beginning. The survey shall have a registered surveyor's seal. The property's address must also be identified.
- E. LETTER OF APPEAL:** The letter of appeal shall be addressed to the Director of Planning and Community Development and shall state in detail the proposed project, the variance request, and a hardship statement stating that the granting of a variance will alleviate some demonstrated and unusual hardship for which a variance is warranted.
- F. SITE PLAN:** The site plan must show all property boundaries, adjoining streets and roads, proposed and existing structures such as buildings, signs, and fences. The site plan boundaries shall match the legal description or survey filed. The subject variance shall be indicated on the site plan with existing and proposed setback dimensions. **(See 10-2226 PLANS)**
- G. SKETCH OF SIGN(S), if applicable:** If the variance request is for a sign, photo or drawing of the sign structure is required. A building wall elevation is required for a wall sign variance. All drawings or photos shall provide dimensions. Drawings shall be to scale indicating total square footages of signs/walls.
- H. AN 8½" X 11" REPRODUCTION:** A copy of the site plan, sign(s) and/or structure elevation for wall sign(s) must be reproduced and submitted for all primary and secondary/interpretation variances to be used in public hearing presentation.

Included with Minor/Administrative Minor Variance requests

- I. Adjacent Property Owner Letters: Minor/Administrative Minor Variance Applications shall include letters from all adjoining property owners. Any property owner having property that adjoins the subject property is required to attest to support or to opposition of the proposed variance.

Included with Secondary Variance/Interpretation Variance requests

- J. Adverse Decision Letter: The applicant shall provide a copy of the Decision or interpretation Letter for which the adverse decision is being appealed.

PUBLIC HEARING AND FILING DEADLINES

- A. **SCHEDULE:** The filing deadline for all variance applications is the first Friday of each month by 3:00 p.m. and will not be heard until the third Thursday of the next month. **Incomplete applications will not be accepted resulting in a filing delay which may affect the public hearing date.**
- B. **COMMUNITY ZONING INFORMATION MEETING (CZIM):** CZIM will occur the second Tuesday immediately following the filing deadline. **The applicant or agent must attend CZIM.** Notification requirements are found in Chapter 2 Article L of the Zoning Ordinance.
- C. **EAST POINT PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission hearing is the third Thursday of the month at 7:00 p.m. at 3121 Norman Berry Drive, East Point, Georgia. **The applicant or agent must attend the public hearing.** Any voluminous presentation of documents shall be filed with the Department of Planning and Community Development a minimum of 15 days in advance of the public hearing. Presentation at the meeting will not guarantee the Planning and Zoning Commissions review or consideration.

NOTIFICATION

- A. **POSTING OF PUBLIC NOTICE SIGN(S):** The applicant shall post notification signs on each road frontage of the subject property in a conspicuous place no later than 20 days prior to the Planning and Zoning Commission hearing. At the time of filing the applicant will be given the necessary sign(s) and instructions on posting. The applicant shall continuously make an effort to maintain the sign posting until the scheduled hearing date. Failure to properly post the sign will delay action on the variance request. On-site visits are made by staff to verify that posting requirements have been met. If the sign is damaged or removed it is the applicant's responsibility to obtain and re-post new sign(s).
- B. **POSTING DEFERRED CASES:** If a petition is held or deferred, it is the responsibility of the applicant to obtain and post new sign(s) with the revised hearing date a minimum of 20 days prior to the Planning and Zoning Commission hearing date.
- C. **SURROUNDING PROPERTY OWNERS:** For Primary Variances and Stream Buffer Variances the applicant shall provide written notice to all property owners within 500 feet (properties zoned I-1, I-2, and B-P are required to notify property owners within 1000 feet) subject property as shown on the current tax records of Fulton County as provided by the Department of Planning & Community Development. Said notice of the Planning and Zoning Commission hearing shall be mailed no later than 15 days prior to the public hearing date. For Minor/Administrative Minor Variances, property owner notification letters are mailed to immediately adjacent property owners.

D. NEWSPAPER: For all Primary, Secondary/Interpretation and Stream Buffer Variances, The Department of Planning and Community Development shall publish in the South Fulton Neighbor a notice of the public hearing no later than 15 days prior to the Planning and Zoning Commission hearing. The published notice shall contain the time, place, purpose of the hearing and the variance property location.

E. DECISION: Notice of decisions from the Planning and Zoning Commission shall be mailed seven days following the date of decision for all Primary, Secondary/Interpretation and Stream Buffer Variances. Minor/Administrative Minor Variance decisions will be provided in writing 30 days of the filing and following administrative review.

F. APPEALS: Appeals to Primary, Secondary/Interpretation and Stream Buffer Variances shall be filed with the Fulton County Superior Court within 30 days of the Planning and Zoning Commission decision. Appeals to other variances, administratively handled shall be filed within 30 days of the Department's decision via a Secondary/Interpretation Variance Application.

G. FEES: See Fee Schedule

H. Submittal: Applicant must provide (1) one original application packet with all the required documents and eight (8) copies. Please do not staple or bind the application. Site plan submittal should include (1) one original 8 ½" x 11" and (8) eight copies 11" x17".

NOTE: IF YOU HAVE ANY QUESTIONS CONCERNING THESE VARIANCE FILING PROCEDURES, PLEASE CALL THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT AT 404.270.7029.

**PLEASE MAKE AN APPOINTMENT FOR THE PRE-APPLICATION MEETING
(PHONE 404.270.7029)**



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VARIANCE PRE-APPLICATION REVIEW

Please check Variance Type:

Primary Stream Buffer Secondary/Interpretation Administrative Minor Minor

Applicant: _____ Address: _____

Phone: _____ Fax: _____

Email: _____

Subject Property Address: _____ Tax PINs): _____

Existing Zoning: _____ Zoning Case History: _____

Land Lot(s): _____ District: _____

Subdivision Name: _____

Unit/Phase: _____ Lot No. (s): _____

Total Acreage: _____ Council Ward: _____

Owner: _____ Address: _____

Phone: _____ Fax: _____

Email: _____

Representative: _____ Address: _____

Phone: _____ Fax: _____

Email: _____ Overlay District (if applicable): _____

Topo Map Required? _____

Stream(s) within 100' of subject property Yes No

Applicant: _____ Date: _____

Planner: _____ Date: _____

REQUESTED VARIANCES

Chapter/Section: _____ Request: _____

Chapter/Section: _____ Request: _____

Chapter/Section: _____ Request: _____

Chapter/Section: _____ Request: _____

ADDITIONAL INFORMATION: _____

ATTENDANCE IS REQUIRED AT THE FOLLOWING MEETINGS:

Community Zoning Information Meeting Date: ____/____/____
Planning and Zoning Commission Date: ____/____/____
City Council Date: ____/____/____

Please be sure to complete the following items:

1. Notify via the Development Intent Card the following:
 - a. Planner
 - b. Parcel Owners within a 500 ft. radius or 1000 ft. radius
 - c. All Council members
 - d. All Ward Homeowners Association Presidents

2. Forward photos of all signs posted by email to Senior Planner
____ CZIM Sign (**Purple**) Post visibly on property from date of application until ____/____/____.
____ Variance Sign (**Yellow**) Post visibly on property from ____/____/____ until ____/____/____.

APPLICANT'S SIGNATURE: To the best of my knowledge, this pre-application review is correct and complete. If additional variances are determined to be necessary, I understand that I am responsible for filing an appeal as specified by Chapter 2, Article I of the City of East Point Zoning Code and Development Regulations.

Applicant: _____

Date: _____

Planner: _____

Date: _____



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VARIANCE APPLICATION

CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPES IN SECTION I OR II.

Section I

Variances Requiring Public Hearing by the Planning and Zoning Commission

{ }

1. Primary Variance: Seeks relief from the Zoning Code and Development Regulations.

{ }

2. Secondary Variance/Interpretation: Interpretations, relief of an adverse decision by any official of East Point, or relief from Minor/Administrative Minor requests

{ }

3. Stream Buffer Variance: Seeks relief from buffer and setback requirements.

Section II

Minor/Administrative Minor Variances

{ }

1. Administrative Minor Variance: Seeks relief from the minimum yard setback requirements for one (1) foot or less.

{ }

2. Minor Variance: Seeks relief from the minimum yard setback requirement not to exceed 10% of such requirement

Description of Variance Requested:

Multiple horizontal lines for text entry.

Section III

Legal Description of Property

SUBDIVISION _____ UNIT/PHASE: _____ LOT NO(S): _____

Land Lot(s): _____ District: _____ Tax ID: _____

Property Address _____ Legal Road Frontage _____

Legal description/survey must match submitted site plan.

Section IV

A. OWNER INFORMATION

Owner states under an oath that he or she is the owner of the property described in the attached legal description. **[EACH OWNER'S SIGNATURE MUST BE NOTARIZED]**

TYPE OR PRINT OWNER'S NAME

ADDRESS

CITY & STATE ZIP CODE

OWNER'S SIGNATURE

PHONE NUMBER

ALTERNATE PHONE NUMBER

Sworn to and subscribed before me this

_____ Day of _____ 20____

Notary Public

B. APPLICANT INFORMATION

A notarized authorization of the applicant signature is required if applicant has owner's power of attorney.

TYPE OR PRINT OWNER'S NAME

ADDRESS

CITY & STATE ZIP CODE

OWNER'S SIGNATURE

PHONE NUMBER

ALTERNATE PHONE NUMBER

Sworn to and subscribed before me this

_____ Day of _____ 20____

Notary Public

Commission Expires
(Seal)

C. ATTORNEY/AGENT INFORMATION

CHECK ONE: ATTORNEY AGENT

TYPE OR PRINT ATTORNEY/AGENT NAME

SIGNATURE OF ATTORNEY/AGENT

ADDRESS

CITY & STATE ZIP CODE

CONTACT PHONE NUMBER

VARIANCE QUESTIONNAIRE

Answer all applicable questions to the best of your knowledge. The information submitted will assist in the appropriate filing of your request.

TYPE OF VARIANCE:

- Primary
- Secondary/Interpretation
- Stream Buffer
- Minor/Administrative Minor

Property Location
Street Address _____

Development Name _____ Dist. _____ L.L. (s) _____

Contact Person _____ Phone _____

Mailing Address _____

Contact Person Status: Property Owner Agent/Applicant Attorney

ACTION REQUIRING VARIANCE:

- Existing
- New Construction
- Addition
- Alteration

TYPE OF IMPROVEMENT:

- Principal Structure
- Accessory Structure
- Fence/Wall
- Sign(s)
- Parking
- Landscape Area
- Buffer
- Other

If other Explain: _____

If Accessory Structure, state attached or detached, use and size: _____

If Sign Variance, are there existing signs on subject property? State type sign(s). _____

Do the existing sign signs comply with Chapter 7, Signs? _____

Has an East Point building permit been issued for the subject structure or improvement under variance appeal?

Yes No Permit No.: _____

Has an East Point land disturbance permit been filed or issued for this improvement?

Yes No Permit No.: _____

If this is a new subdivision, has a final plat been approved by East Point? _____

Through what contact did you learn that you needed to apply for a variance?

- Plan Review
- Citation/Warning
- Permitting

East Point Contact Person: _____

Comments (Attach related documents i.e. Citation, correspondence): _____

Please respond if you have knowledge of the following:

Has there been any previous variance(s) granted on this property? Yes No Case No.: _____

Has there been any previous zoning activity? Yes No Case No.: _____

Is the subject site located within a designated Overlay District? Yes No

- Main Street Overlay
- Cleveland Avenue Overlay

Has there been contact with community representative(s)? If so, state name(s) _____

Has there been contact with adjoining property owner(s) regarding the variance? _____

Is there any documentation of support? Yes No. If so, please attach

AREAS OF VIOLATION

Check below the area of the property where the violation exists and state the type of request (to delete, reduce, or increase). Variance location shall be identified on site plan.

- Front Yard
- Side Yard
- Rear Yard
- Sign Area
- Sign Setback
- Sign Height
- Height
- Buffer
- Landscape Area
- Other: _____

State Request 1: _____

State Request 2: _____

State Request 3: _____

State Request 4: _____

State Request 5: _____

**SITE PLAN REQUIREMENTS
FORM F**

Sec. 10-2226. - Plans.

Site plans for rezonings and land use petitions must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:

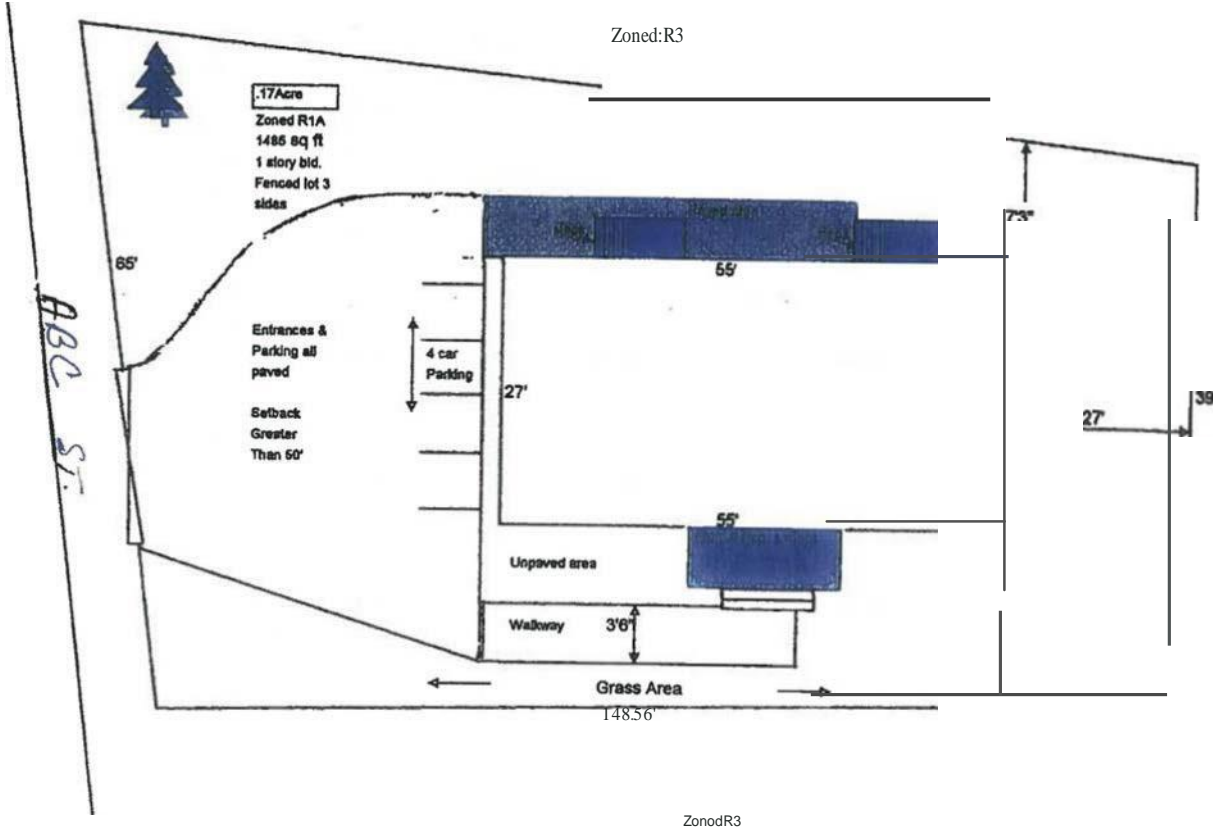
- (1) Key and/or legend and site location map with North arrow;
- (2) Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning;
- (3) Acreage of subject property;
- (4) Location of land lot lines and identification of land lots;
- (5) Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property;
- (6) Proposed streets on the subject site;
- (7) Posted speed limits on all adjoining roads;
- (8) Current zoning of the subject site and adjoining properties;
- (9) Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property;
- (10) Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400 feet of the subject site based on the County's aerial photography or an acceptable substitute as approved by the Director;
- (11) Location of proposed buildings (except single family residential lots) with total square footage;
- (12) Layout and minimum lot size of proposed single family residential lots;
- (13) Topography (surveyed or County) on subject site and adjacent property within 200 feet as required to assess runoff effects;
- (14) Location of overhead and underground electrical and pipeline transmission/conveyance lines;
- (15) Required and/or proposed setbacks;
- (16) 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps;
- (17) Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed;
- (18) Required and proposed parking spaces; loading and unloading facilities;
- (19) Lakes, streams, and waters on the state and associated buffers;
- (20) Proposed storm water management facilities;
- (21) Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access;
- (22) Availability of water system and sanitary sewer system;
- (23) Tree lines, woodlands and open fields on subject site;
- (24) Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See East Point Subdivision Regulations);
- (25) Wetlands shown on the County's GIS maps or survey; and
- (26) Airport noise contours on those properties within the FAR Part 150 Airport Noise Contour Map.

A request for relief from any of the above site plan requirements may be submitted in writing to the Director for approval prior to the filing deadline. The request should clearly state the reasons for the request. Projects subject to Development of Regional Impact reviews and other large projects that will be phased shall be required to revise the site plan for each phase of the development to comply with the above standards through a zoning modification.

N



SAMPLE SITE PLAN FORMF





Department of Planning & Community Development
@ Jefferson Station

1526 E. Forrest Avenue Suite 100 East Point, GA 30344

404.270.7212 (Phone) 404.765.2784 (Fax) www.eastpointcity.org

AUTHORIZATION TO INSPECT PREMISES

I/we _____, am/are
the owner(s) of the property, which is the subject matter of this application. I/we authorize the City of East Point
to inspect the premises, which are the subject of this request for rezoning/use permit/variance/subdivision.

Signature of Applicant

I have read this entire application and all of this information is completed.

Personally appeared before me

Applicant or Agent for Applicant

Print Name Clearly

Notary Public Date

(Seal)

Commission Expires

NOTICE OF DEVELOPMENT INTENT

Case No.: _____

Location of Property _____

Applicant's Name: _____

For the purpose of: _____

CZIM Meeting Date: _____ at 6:30 p.m.

Planning & Zoning Commission Meeting Date: _____ at 7:00 p.m.

City Council Meeting Date: _____ at 6:30 p.m.

Applicant Signature: _____

Applicant Contact Phone Number: _____

*CZIM is held at 1526 East Forrest Avenue, East Point, GA 30344
All other meetings are held at 3121 Norman Berry Drive, East Point, GA 30344*

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POST
OFFICE
WILL NOT
DELIVER
WITHOUT
STAMP

Current Resident



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